

SIXTY-NINTH DAY

(Continued)

(Friday, May 14, 1971)

After Recess

The Senate met at 10:00 o'clock a.m. and was called to order by Senator Aikin.

The roll was called and the following Senators were present:

Aikin	Kennard
Beckworth	Kothmann
Bernal	Mauzy
Blanchard	McKool
Bridges	Moore
Brooks	Patman
Connally	Ratliff
Creighton	Schwartz
Grover	Sherman
Hall	Snelson
Harrington	Wallace
Harris	Watson
Herring	Wilson
Hightower	Word
Jordan	

Absent—Excused

Bates	Christie
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Leaves of Absence

Senator Bates was granted leave of absence for today on account of important business on motion of Senator Moore.

Senator Christie was granted leave of absence for today on account of important business on motion of Senator Moore.

Communication From President of Senate

THE STATE OF TEXAS
OFFICE OF THE
LIEUTENANT GOVERNOR
AUSTIN

May 14, 1971.

Senator A. M. Aikin, Jr.
Texas State Senate
Capitol Building
Austin, Texas 78711
Dear Senator:

I hereby authorize you to preside over the Senate Friday, May 14, 1971.

Sincerely,
BEN BARNES

Messages From the Governor

The following messages received from the Governor were read and referred to the Committee on Nominations:

Austin, Texas,
May 14, 1971.

To the Senate of the Sixty-second Legislature:

I ask the advice, consent, and confirmation of the Senate with respect to the following appointment:

To be a Member of the Board of Directors of Texas Southern University: For a term to expire February 1, 1975: Andrew Leon Jefferson, Jr., of Houston, Harris County.

Respectfully submitted,
PRESTON SMITH,
Governor of Texas.

Austin, Texas,
May 14, 1971.

To the Senate of the Sixty-second Legislature:

I ask the advice, consent, and confirmation of the Senate with respect to the following appointment:

To be District Judge of the 169th Judicial District, until the next General Election and until his successor shall be duly elected and qualified: J. F. Clawson, Jr., of Belton, Bell County. (Judge Clawson was appointed September 30, 1969, effective October 1, 1969, and was duly elected November 3, 1970.)

Respectfully submitted,
PRESTON SMITH,
Governor of Texas.

Reports of Standing Committees

By unanimous consent, Senator Word submitted the following reports for the Committee on Legislative, Congressional and Judicial Districts:

S. B. No. 688.

C. S. S. B. No. 992 (Read first time).

By unanimous consent, Senator Ratliff submitted the following report for the Committee on Banking:

H. B. No. 1407 (Floor Report).

By unanimous consent, Senator Hall submitted the following reports for the Committee on County, District and Urban Affairs:

H. B. No. 1539 (Floor Report).

H. B. No. 1479 (Floor Report).

H. B. No. 451 (Floor Report).

S. B. No. 181 (Floor Report).

H. B. No. 1596 (Amended) (Floor Report).

By unanimous consent, Senator Creighton submitted the following report for the Committee on Water and Conservation:

H. B. No. 923 (Floor Report).

By unanimous consent, Senator Watson submitted the following reports for the Committee on Environment:

S. B. No. 749.

H. B. No. 52.

By unanimous consent, Senator Kennard submitted the following reports for the Committee on Public Health:

H. B. No. 602.

S. B. No. 1007.

H. B. No. 139.

Senate Bill 1009 on Second Reading

On motion of Senator Herring and by unanimous consent, the regular order of business was suspended to take up for consideration at this time on its second reading and passage to engrossment:

S. B. No. 1009, A bill to be entitled "An Act authorizing the Texas Department of Agriculture to receive and hold for processing export-import livestock or other animals; authorizing the establishment and collection of yardage, feed and maintenance fees in connection with processing; and declaring an emergency."

The bill was read second time and passed to engrossment.

Senate Bill 1009 on Third Reading

Senator Herring moved that the Constitutional Rule and Senate Rule 30 requiring bills to be read on three

several days be suspended and that S. B. No. 1009 be placed on its third reading and final passage.

The motion prevailed by the following vote:

Yeas—29

Aikin	Kennard
Beckworth	Kothmann
Bernal	Mauzy
Blanchard	McKool
Bridges	Moore
Brooks	Patman
Connally	Ratliff
Creighton	Schwartz
Grover	Sherman
Hall	Snelson
Harrington	Wallace
Harris	Watson
Herring	Wilson
Hightower	Word
Jordan	

Absent—Excused

Bates Christie

The Presiding Officer then laid the bill before the Senate on its third reading and final passage.

The bill was read third time and was passed by the following vote:

Yeas—29

Aikin	Kennard
Beckworth	Kothmann
Bernal	Mauzy
Blanchard	McKool
Bridges	Moore
Brooks	Patman
Connally	Ratliff
Creighton	Schwartz
Grover	Sherman
Hall	Snelson
Harrington	Wallace
Harris	Watson
Herring	Wilson
Hightower	Word
Jordan	

Absent—Excused

Bates Christie

Bill Signed

The Presiding Officer announced the signing by the President in the presence of the Senate after the caption had been read, the following enrolled bill:

H. B. No. 1440.

Senate Bill 460 with House Amendments

Senator Blanchard called S. B. No. 460 from the President's table for consideration of the House amendments to the bill.

The Presiding Officer laid the bill and the following House amendments before the Senate:

Amendment No. 1

Amend Senate Bill No. 460, as amended, by renumbering Sections 11 and 12 as Sections 12 and 13, respectively, and adding a new Section 11 to read as follows:

Sec. 11. Article 10.61, Title 122A, Taxation—General, Revised Civil Statutes of Texas, 1925, as amended, is amended by adding a Section (3) to read as follows:

"(3) The Comptroller or any authorized representative of the Comptroller is authorized to cancel or to suspend any permit issued under the terms of this Subchapter or to refuse the issuance, extension, or reinstatement of any permit to any person who stores liquified petroleum gas in bulk within 3,000 feet of any public school. The procedural provisions of Section (2) of this Article are applicable to any cancellation or suspension of a permit and to the refusal to issue, extend, or reinstate any permit under the provisions of this Section."

Amendment No. 2

Amend S. B. 460, House first printing, on page 3, line 40, by striking the words "six (6)" and substituting the words "eight (8)."

The House amendments were read.

Senator Blanchard moved that the Senate do not concur in the House amendments, but that a Conference Committee be appointed to adjust the differences between the two Houses on the bill.

The motion prevailed.

The Presiding Officer asked if there were any motions to instruct the Conference Committee on S. B. No. 460 before appointment.

There were no motions offered.

Accordingly, the Presiding Officer announced the appointment by the

President of the following conferees on the part of the Senate on the bill: Senators Blanchard, Word, Connally, Snelson and Hightower.

Senate Bill 721 on Second Reading

On motion of Senator Beckworth and by unanimous consent, the regular order of business was suspended to take up for consideration at this time on its second reading and passage to engrossment:

S. B. No. 721, A bill to be entitled "An Act to provide for appointment of a guardian ad litem to represent the interests of minors and incompetents in contested child custody causes; providing for payment of expenses; and declaring an emergency."

The bill was read second time and passed to engrossment.

Senate Bill 721 on Third Reading

Senator Beckworth moved that the Constitutional Rule and Senate Rule 30 requiring bills to be read on three several days be suspended and that S. B. No. 721 be placed on its third reading and final passage.

The motion prevailed by the following vote:

Yeas—29

Aikin	Kennard
Beckworth	Kothmann
Bernal	Mauzy
Blanchard	McKool
Bridges	Moore
Brooks	Patman
Connally	Ratliff
Creighton	Schwartz
Grover	Sherman
Hall	Snelson
Harrington	Wallace
Harris	Watson
Herring	Wilson
Hightower	Word
Jordan	

Absent—Excused

Bates	Christie
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The Presiding Officer then laid the bill before the Senate on its third reading and final passage.

The bill was read third time and was passed by the following vote:

Yeas—29

Aikin	Beckworth
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Bernal	Kothmann
Blanchard	Mauzy
Bridges	McKool
Brooks	Moore
Connally	Patman
Creighton	Ratliff
Grover	Schwartz
Hall	Sherman
Harrington	Snelson
Harris	Wallace
Herring	Watson
Hightower	Wilson
Jordan	Word
Kennard	

Absent—Excused

Bates Christie

Senate Bill 493 on Third Reading

Senator Kothmann moved to suspend the regular order of business and take up S. B. No. 493 for consideration at this time.

The motion prevailed by the following vote:

Yeas—18

Beckworth	Kothmann
Bernal	Mauzy
Bridges	McKool
Brooks	Patman
Connally	Schwartz
Hall	Sherman
Harrington	Wallace
Jordan	Watson
Kennard	Wilson

Nays—9

Aikin	Moore
Blanchard	Ratliff
Creighton	Snelson
Herring	Word
Hightower	

Absent

Grover Harris

Absent—Excused

Bates Christie

The Presiding Officer laid before the Senate on its third reading and final passage:

S. B. No. 493, A bill to be entitled "An Act establishing and providing for a State mentally retarded school; regulating and providing for the operation of same; and declaring an emergency."

The bill was read third time and passed.

Record of Votes

Senators Moore, Ratliff, Creighton, Snelson, Word, Grover, and Aikin asked to be recorded as voting "Nay" on the final passage of the bill.

Senate Bill 906 on Second Reading

On motion of Senator Creighton and by unanimous consent, the regular order of business was suspended to take up for consideration at this time on its second reading and passage to engrossment:

S. B. No. 906, A bill to be entitled "An Act relating to reorganizing the 43rd Judicial District and creating the 235th Judicial District; etc., and declaring an emergency."

The bill was read second time.

Senator Creighton offered the following Committee Amendment to the bill:

Amend S. B. No. 906 by:

(1) amending Section 3 to read as follows:

"Sec. 3. Subchapter C, Judicial Districts Act of 1969 (Article 199a, Vernon's Texas Civil Statutes), is amended by adding Section 3.028 to read as follows:

"Section 3.028. (a) The 235th Judicial District, composed of the Counties of Wise, Jack, and Cooke, is hereby created.

"(b) The enactment of this amendment shall in no way change, alter, diminish, or affect the provisions of Subdivision 16, Article 199, Revised Civil Statutes of Texas, 1925, as amended, but is in addition to and cumulative of those provisions.""; and

(2) striking Section 2 and renumbering the subsequent sections accordingly.

The Committee Amendment was read and was adopted.

Senator Creighton offered the following amendment to the bill:

Amend S. B. No. 906 by striking the quotation marks at the end of the quoted Subsection (d) in Section 1 and adding a new quoted Subsection (e) to read as follows:

"(e) Nothing in this Act shall affect the office of the District Attorney of the 43rd Judicial District, except that the District Attorney may employ secretarial help. The payment of the salary for secretarial assistance employed under authority of this subsection shall be made from the general fund of Parker County in an amount set by the District Judge of the 43rd Judicial District."

The amendment was read and was adopted.

On motion of Senator Creighton and by unanimous consent, the caption was amended to conform to the body of the bill as amended.

The bill as amended was passed to engrossment.

Senate Bill 906 on Third Reading

Senator Creighton moved that the Constitutional Rule and Senate Rule 30 requiring bills to be read on three several days be suspended and that S. B. No. 906 be placed on its third reading and final passage.

The motion prevailed by the following vote:

Yeas—29

Aikin	Kennard
Beckworth	Kothmann
Bernal	Mauzy
Blanchard	McKool
Bridges	Moore
Brooks	Patman
Connally	Ratliff
Creighton	Schwartz
Grover	Sherman
Hall	Snelson
Harrington	Wallace
Harris	Watson
Herring	Wilson
Hightower	Word
Jordan	

Absent—Excused

Bates Christie

The Presiding Officer then laid the bill before the Senate on its third reading and final passage.

The bill was read third time and was passed by the following vote:

Yeas—29

Aikin	Bernal
Beckworth	Blanchard

Bridges	Mauzy
Brooks	McKool
Connally	Moore
Creighton	Patman
Grover	Ratliff
Hall	Schwartz
Harrington	Sherman
Harris	Snelson
Herring	Wallace
Hightower	Watson
Jordan	Wilson
Kennard	Word
Kothmann	

Absent—Excused

Bates Christie

Senate Bill 751 with House Amendments

Senator Mauzy called S. B. No. 751 from the President's table for consideration of the House amendments to the bill.

The Presiding Officer laid the bill and the following House amendments before the Senate:

Committee Amendment No. 1

Amend Senate Bill 751 by striking all below the enacting clause and substituting in lieu thereof the following:

"Section 1. Section 12c, of Article 8306, Revised Civil Statutes of Texas, 1925, as amended, is amended to read as follows:

"Section 12c. If an employee who has suffered a previous injury shall suffer a subsequent injury which results in a condition of incapacity to which both injuries or their effects have contributed, the association shall be liable for all compensation provided by this act, but said association shall be reimbursed from the 'Second Injury Fund' as hereinafter described, to the extent that the previous injury contributes to the combined incapacity."

"Section 2. Section 12c-1, of Article 8306, Revised Civil Statutes of Texas, 1925, as amended, is amended to read as follows:

"Section 12c-1. If an employee who has previously lost, or lost the use of, one hand, one arm, one foot, one leg, or one eye, becomes permanently and totally incapacitated through the loss or loss of use of another member or organ, the associa-

tion, shall be liable for all compensation provided by this act, not to exceed 401 weeks, but said association shall be reimbursed from the 'Second Injury Fund,' as hereinafter described, to the extent that its payment exceeds the amount due for the second injury as above set out. In order to qualify for reimbursement from the 'Second Injury Fund' under this section, the association must file its claim with the Industrial Accident Board within One Hundred Eighty days following date of injury, together with evidence of its payment of all compensation provided by this Act and of the pre-existing permanent physical impairment qualifying the association for such reimbursement. Good cause for late filing as set forth in Article 8307, Section 4(a), shall also apply in such claims for reimbursement. Provided further if the association makes payment in lump sum to the injured claimant, the association shall be entitled to reimbursement from the 'Second Injury Fund' by lump sum payment.'

"Section 3. Section 12c-2 of Article 8306, Revised Civil Statutes of Texas, 1925, as amended, is amended to read as follows:

"Section 12c-2. The special fund known as the 'Second Injury Fund' shall be created in the following manner.

"(a) In every case of the death of an employee under this Act where there is no person entitled to compensation surviving said employee, the association shall pay to the Industrial Accident Board the full death benefits, but not to exceed 360 weeks of compensation, as provided in Section 8, of Article 8306, Revised Civil Statutes of Texas, 1925, as amended, to be deposited with the Treasurer of the State for the benefit of said Fund and the Board shall direct the distribution thereof.

"(b) When the total amount of all such payments into the Fund, together with the accumulated interest thereon, equals or exceeds Two Hundred Fifty Thousand Dollars (\$250,000) in excess of existing liabilities, no further payments shall be required to be paid to said Fund; but whenever thereafter the amount of such Fund shall be reduced below One Hundred Twenty-Five Thousand Dollars (\$125,000) by reason of payments from such Fund, the payments to such Fund shall be resumed forth-

with, and shall continue until such Fund again amounts to Two Hundred Fifty Thousand Dollars (\$250,000), including accumulated interest thereon.

"Section 4. As respects claims for injury sustained prior to the effective date of this Act, no inchoate, vested, matured, existing or other rights, remedies, powers, duties, or authority, either of any employee or legal beneficiary, or of the Board or of the association, or of any other person shall be in any way affected by any of the amendments or repeals herein made to the original law hereby amended or repealed, but all such rights, remedies, powers, duties, and authority shall remain and be in force as under the original law just as if the amendments or repeals hereby adopted had never been made, and to that end it is hereby declared that as respects such injuries occurring prior to the effective date of this Act, said original law is not repealed, but the same is, and shall remain in full force and effect as to all such rights, remedies, powers, duties, and authority; and further this Act insofar as it adopts the law of which it is an amendment is a continuation thereof, and only in other respects a new enactment.

"Section 5. If any Section, paragraph or provision of this Act be declared unconstitutional or invalid for any reason, such holding shall not in any manner affect the remaining Sections, paragraphs or provisions of this Act, but the same shall remain in full force and effect.

"Section 6. All laws or parts of laws in conflict herewith are expressly repealed to the extent of such conflict.

"Section 7. The importance of this legislation and the crowded condition of the calendars in both Houses create an emergency and an imperative public necessity that the Constitutional Rule requiring bills to be read on three several days in each House be suspended, and this Rule is hereby suspended; and this Act shall take effect and be in force sixty (60) days from and after its passage, subject to the provisions of Section 4, above."

Committee Amendment No. 2

Amend Senate Bill 751 by striking all above the enacting clause and substituting in lieu thereof the following: amending the employers' liability and workmen's compensation laws of this state, amending Section 12c, 12c-1 and

12c-2 of Article 8306, Revised Civil Statutes of Texas, 1952, as amended, to make the carrier liable for all compensation in Second Injury Fund cases but allowing reimbursement from the Second Injury Fund to the extent the previous injury contributed to the combined incapacity; provided that the association must file its claim with the Board within 180 days following date of injury together with evidence of payment under this Act and of the pre-existing physical impairment and providing further that good cause for late filing as set forth in Article 8307, Section 4(a) shall apply in such cases of reimbursement; provided further that the association shall be reimbursed in lump sum when it makes payment in lump sum; provided that the "Second Injury Fund" shall receive the full death benefits as provided in Section 8 of Article 8306, Revised Civil Statutes of Texas, 1925, as amended but not to exceed 360 weeks when there is no person entitled to compensation surviving said deceased employee; provided that after Two Hundred Fifty Thousand Dollars (\$250,000) is accumulated in the "Second Injury Fund", no further payments shall be required until the fund reaches a balance below One Hundred Twenty-Five Thousand Dollars (\$125,000); providing that this Act shall not affect any rights which have vested or accrued prior to the effective date hereof, and retaining prior laws in effect, insofar as injuries sustained prior to the effective date hereof; providing for a savings clause; repealing all laws in conflict; and declaring an emergency with an effective date of September 1, 1971.

Amendment No. 1

Amend Committee Substitute for Senate Bill 751 by striking all of Section 7 therefrom and substituting in lieu therefor the following:

Section 7. The importance of this legislation and the crowded condition of the calendars in both Houses create an emergency and an imperative public necessity that the Constitutional Rule requiring bills to be read on three several days in each House be suspended, and this Rule is hereby suspended; and this Act shall take effect and be in force on September 1, 1971, subject to the provisions of Section 4, above.

Amendment No. 2

Amend S. B. 859, by deleting the word "property" from line 47, Page 1, line 6, Page 2, line 30, Page 2, and line 45, Page 2.

The House amendments were read.

Senator Mauzy moved that the Senate concur in the House amendments.

The motion prevailed.

Senate Bill 1013 on First Reading

Senator Blanchard moved that Senate Rule 108 and Section 5 of Article III of the State Constitution be suspended to permit his introducing at this time, a bill, the provisions of which he explained.

The motion prevailed by the following vote:

Yeas—29

Aikin	Kennard
Beckworth	Kothmann
Bernal	Mauzy
Blanchard	McKool
Bridges	Moore
Brooks	Patman
Connally	Ratliff
Creighton	Schwartz
Grover	Sherman
Hall	Snelson
Harrington	Wallace
Harris	Watson
Herring	Wilson
Hightower	Word
Jordan	

Absent—Excused

Bates	Christie
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The following bill was then introduced, read first time and referred to the Committee indicated:

By Senator Blanchard:

S. B. No. 1013, A bill to be entitled "An Act amending the Texas Tort Claims Act, Chapter 292, Acts, 61st Legislature, Regular Session, 1969, codified as Article 6252-19, Vernon's Texas Civil Statutes, to include liability for property damage; and declaring an emergency."

To Committee on Jurisprudence.

(President in Chair.)

Senate Joint Resolution 50 on Second Reading

Senator Connally asked unanimous consent to suspend the regular order of business and take up S. J. R. No. 50 for consideration at this time.

There was objection.

Senator Connally then moved to suspend the regular order of business and take up S. J. R. No. 50 for consideration at this time.

The motion prevailed by the following vote:

Yeas—22

Aikin	Kothmann
Beckworth	Mauzy
Blanchard	McKool
Bridges	Moore
Connally	Patman
Creighton	Ratliff
Grover	Schwartz
Hall	Sherman
Herring	Snelson
Hightower	Watson
Kennard	Word

Nays—4

Bernal	Jordan
Harrington	Wallace

Present—Not Voting

Wilson

Absent

Brooks	Harris
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Absent—Excused

Bates	Christie
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The President laid before the Senate on its second reading and passage to engrossment:

S. J. R. No. 50, Proposing an amendment to Section 1-d, Article VIII, Constitution of the State of Texas, to provide for methods of assessment for ranch, farm, forest, and other open space lands that will promote the preservation of their existing uses.

The resolution was read second time and was passed to engrossment.

Senate Joint Resolution 50 on Third Reading

Senator Connally moved that the Constitutional Rule and Senate Rule

30 requiring resolutions to be read on three several days be suspended and that S. J. R. No. 50 be placed on its third reading and final passage.

The motion prevailed by the following vote:

Yeas—22

Aikin	Kothmann
Beckworth	Mauzy
Blanchard	McKool
Bridges	Moore
Connally	Patman
Creighton	Ratliff
Grover	Schwartz
Hall	Sherman
Herring	Snelson
Hightower	Watson
Kennard	Word

Nays—4

Bernal	Jordan
Harrington	Wallace

Present—Not Voting

Wilson

Absent

Brooks	Harris
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Absent—Excused

Bates	Christie
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The President then laid the resolution before the Senate on its third reading and final passage.

The resolution was read third time and was passed by the following vote:

Yeas—22

Aikin	Kennard
Beckworth	Kothmann
Bernal	McKool
Blanchard	Moore
Bridges	Patman
Connally	Ratliff
Creighton	Schwartz
Grover	Sherman
Hall	Snelson
Herring	Watson
Hightower	Word

Nays—4

Harrington	Mauzy
Jordan	Wallace

Present—Not Voting

Wilson

Absent

Brooks	Harris
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Absent—Excused

Bates Christie

Senate Bill 875 on Second Reading

Senator Connally asked unanimous consent to suspend the regular order of business and take up S. B. No. 875 for consideration at this time.

There was objection.

Senator Connally then moved to suspend the regular order of business and take up S. B. No. 875 for consideration at this time.

The motion prevailed by the following vote:

Yeas—24

Aikin	Kennard
Beckworth	Kothmann
Blanchard	Mauzy
Bridges	McKool
Brooks	Moore
Connally	Patman
Creighton	Ratliff
Grover	Schwartz
Hall	Sherman
Harrington	Snelson
Herring	Watson
Hightower	Word

Nays—3

Bernal	Wallace
Jordan	

Present—Not Voting

Wilson

Absent

Harris

Absent—Excused

Bates Christie

The President laid before the Senate on its second reading and passage to engrossment:

S. B. No. 875, A bill to be entitled "An Act providing methods of assessment for ranch, farm, forest and other open space lands, and declaring an emergency."

The bill was read second time and was passed to engrossment.

Record of Votes

Senators Wallace and Mauzy asked

to be recorded as voting "Nay" on the passage of the bill to engrossment.

Senator Wilson asked to be recorded as "Present—Not Voting" on the passage of the bill to engrossment.

Senate Bill 875 on Third Reading

Senator Connally moved that the Constitutional Rule and Senate Rule 30 requiring bills to be read on three several days be suspended and that S. B. No. 875 be placed on its third reading and final passage.

The motion prevailed by the following vote:

Yeas—23

Aikin	Kothmann
Beckworth	Mauzy
Blanchard	McKool
Bridges	Moore
Connally	Patman
Creighton	Ratliff
Grover	Schwartz
Hall	Sherman
Harrington	Snelson
Herring	Watson
Hightower	Word
Kennard	

Nays—4

Bernal	Jordan
Brooks	Wallace

Present—Not Voting

Wilson

Absent

Harris

Absent—Excused

Bates Christie

The President then laid the bill before the Senate on its third reading and final passage.

The bill was read third time and was passed.

Record of Votes

Senators Wallace, Mauzy, and Brooks asked to be recorded as voting "Nay" on the final passage of the bill.

Senator Wilson asked to be recorded as "Present—Not Voting" on the final passage of the bill.

Senate Bill 738 with House Amendment

Senator Herring called S. B. No. 738 from the President's table for consideration of the House amendment to the bill.

The President laid the bill and the following House amendment before the Senate:

Floor Amendment No. 1

Amend Senate Bill No. 738 by striking all below the Enacting Clause and substituting therefor the following:

"Section 1. Subsection (d), Section 16.57, Texas Education Code, is repealed.

"Sec. 2. The importance of this Act and the crowded condition of the calendars in both houses create an emergency and an imperative public necessity that the Constitutional Rule requiring bills to be read on three several days in each house be suspended, and this Rule is hereby suspended; and that this Act take effect and be in force from and after its passage, and it is so enacted."

The House amendment was read.

Senator Herring moved that the Senate concur in the House amendment.

The motion prevailed by the following vote:

Yeas—27

Aikin	Kothmann
Beckworth	Mauzy
Bernal	McKool
Blanchard	Moore
Bridges	Patman
Brooks	Ratliff
Connally	Schwartz
Creighton	Sherman
Hall	Snelson
Harrington	Wallace
Herring	Watson
Hightower	Wilson
Jordan	Word
Kennard	

Absent

Grover	Harris
Absent—Excused	
Bates	Christie

House Bill 1858 on Second Reading

On motion of Senator Kennard and by unanimous consent, the regular order of business was suspended to take up for consideration at this time on its second reading and passage to third reading:

H. B. No. 1858, A bill to be entitled "An Act amending Statutes, to reduce the rate of the motor fuels tax and to provide for the distribution of the motor fuels tax.; etc.; and declaring an emergency."

The bill was read second time and passed to third reading.

House Bill 1858 on Third Reading

Senator Kennard moved that the Constitutional Rule and Senate Rule 30 requiring bills to be read on three several days be suspended and that H. B. No. 1858 be placed on its third reading and final passage.

The motion prevailed by the following vote:

Yeas—29

Aikin	Kennard
Beckworth	Kothmann
Bernal	Mauzy
Blanchard	McKool
Bridges	Moore
Brooks	Patman
Connally	Ratliff
Creighton	Schwartz
Grover	Sherman
Hall	Snelson
Harrington	Wallace
Harris	Watson
Herring	Wilson
Hightower	Word
Jordan	

Absent—Excused

Bates	Christie
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The President then laid the bill before the Senate on its third reading and final passage.

The bill was read third time and was passed by the following vote:

Yeas—29

Aikin	Brooks
Beckworth	Connally
Bernal	Creighton
Blanchard	Grover
Bridges	Hall

Harrington	Patman
Harris	Ratliff
Herring	Schwartz
Hightower	Sherman
Jordan	Snelson
Kennard	Wallace
Kothmann	Watson
Mauzy	Wilson
McKool	Word
Moore	

Absent—Excused

Bates Christie

Senate Bill 1014 on First Reading

Senator Hall moved that Senate Rule 108 and Section 5 of Article III of the State Constitution be suspended to permit his introducing at this time, a bill, the provisions of which he explained.

The motion prevailed by the following vote:

Yeas—25

Aikin	Jordan
Beckworth	Kothmann
Bernal	Mauzy
Blanchard	McKool
Bridges	Moore
Brooks	Patman
Connally	Schwartz
Grover	Sherman
Hall	Snelson
Harrington	Wallace
Harris	Wilson
Herring	Word
Hightower	

Nays—4

Creighton	Ratliff
Kennard	Watson

Absent—Excused

Bates Christie

The following bill was then introduced, read first time and referred to the Committee indicated:

By Senator Hall:

S. B. No. 1014, A bill to be entitled "An Act authorizing governing bodies of cities and counties to impose a tax on the sale, preparation and service of certain alcoholic beverages; adding a Section 20e to Article I, Texas Liquor Control Act, as amended; and declaring an emergency."

To Committee on State Affairs.

Senate Bill 519 on Second Reading

On motion of Senator Wilson and by unanimous consent, the regular order of business was suspended to take up for consideration at this time on its second reading and passage to engrossment:

S. B. No. 519, A bill to be entitled "An Act relating to the establishment of a campus of the Texas State Technical Institute at Palestine, Anderson County; etc.; and declaring an emergency."

The bill was read second time.

Senator Aikin offered the following amendment to the bill:

Amend S. B. No. 519 by striking all below the enacting clause and substituting the following:

Section 1. The sum of \$100,000 is appropriated from the General Revenue Fund to the governing body of the Texas State Technical Institute for the purpose of making a feasibility study and cost analysis relating to the establishment of a campus of the institute at Palestine, Anderson County, Texas.

Sec. 2. The importance of this legislation and the crowded condition of the calendars in both houses create an emergency and an imperative public necessity that the Constitutional Rule requiring bills to be read on three several days in each house be suspended, and this Rule is hereby suspended, and that this Act take effect and be in force from and after its passage, and it is so enacted.

The amendment was read and was adopted.

Senator Aikin offered the following amendment to the bill:

Amend S. B. No. 519 by striking all above the enacting clause and substituting the following:

**A BILL
TO BE ENTITLED**

An Act authorizing the governing body of the Texas State Technical Institute to conduct a feasibility study and cost analysis relating to the establishment of an additional campus; making an appropriation; and declaring an emergency.

The amendment was read and was adopted.

On motion of Senator Wilson and by unanimous consent, the caption was amended to conform to the body of the bill as amended.

The bill as amended was passed to engrossment.

Record of Votes

Senators Wallace and Sherman asked to be recorded as voting "Nay" on the passage of the bill to engrossment.

Senate Bill 519 on Third Reading

Senator Wilson moved that the Constitutional Rule and Senate Rule 30 requiring bills to be read on three several days be suspended and that S. B. No. 519 be placed on its third reading and final passage.

The motion prevailed by the following vote:

Yeas—29

Aikin	Kennard
Beckworth	Kothmann
Bernal	Mauzy
Blanchard	McKool
Bridges	Moore
Brooks	Patman
Connally	Ratliff
Creighton	Schwartz
Grover	Sherman
Hall	Snelson
Harrington	Wallace
Harris	Watson
Herring	Wilson
Hightower	Word
Jordan	

Absent—Excused

Bates	Christie
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The President then laid the bill before the Senate on its third reading and final passage.

The bill was read third time and was passed.

Record of Votes

Senators Wallace and Sherman asked to be recorded as voting "Nay" on the final passage of the bill.

Leave of Absence

Senator Harris was granted leave of absence for the remainder of today on account of important business on motion of Senator Grover.

Bills Signed

The President signed in the presence of the Senate after the caption had been read, the following enrolled bills:

S. B. No. 349.

S. B. No. 154.

S. B. No. 315.

S. B. No. 680.

S. B. No. 730.

S. B. No. 733.

S. B. No. 815.

S. B. No. 662.

S. B. No. 432.

Committee Substitute

Senate Bill 992 Ordered Not Printed

On motion of Senator Herring and by unanimous consent, C. S. S. B. No. 992 was ordered not printed.

Committee Substitute

Senate Bill 992 on Second Reading

On motion of Senator Herring and by unanimous consent, the regular order of business was suspended to take up for consideration at this time on its second reading and passage to engrossment:

C. S. S. B. No. 992, A bill to be entitled "An Act amending Subchapter C, Chapter 23, Acts of the 61st Legislature, 2nd Called Session, 1969 (Article 199a, Vernon's Texas Civil Statutes), by adding Sections 3.028, 3.029, 3.030, 3.031, 3.032, 3.033, 3.034, and 3.035; providing for the creation of the 199th and 200th Judicial Districts to be composed of the County of Travis; providing for the creation of the 201st Judicial District to be composed of the County of Collin; providing for the creation of the 233rd and 238th Judicial Districts to be composed of the County of Harris; providing for the creation of the 202nd Judicial District to be composed of the County of Bowie; providing for the creation of the 203rd Judicial District to be composed of the County of Galveston; abolishing the Court of Domestic Relations in Galveston County by repealing Chapter 64, Acts of the 57th Legisla-

ture, 1962, as amended (Article 2338-16, Vernon's Texas Civil Statutes); amending Subdivision 43, Article 199, Vernon's Texas Civil Statutes by providing for the reorganization of the 43rd Judicial District; providing for the creation of the 235th Judicial District, to be composed of the Counties of Wise, Jack, and Cooke; providing for the appointment and salary of the 235th District Court shorthand reporter; creating the office of the District Attorney of the 235th Judicial District; amending Chapter 5, Title 41, Revised Civil Statutes of Texas, 1925, as amended by diminishing the jurisdiction of the County Court of Parker County; providing effective dates in certain Sections; providing for preference to be given criminal cases in certain courts; providing for severability; repealing laws or parts of laws in conflict; and declaring an emergency."

The bill was read second time.

Senator Snelson offered the following amendment to the bill:

Amend C. S. S. B. No. 992 by substituting for Section 7 the following Section in lieu thereof and renumbering the existing Section 7 as Section 8 and all succeeding existing sections consecutively:

"Sec. 7. Subchapter C, Judicial Districts Act of 1969 (Article 199a Vernon's Texas Civil Statutes), is amended by adding Section 3.036 to read as follows:

"Section 3.036 (a) The 232nd Judicial District, composed of the County of Midland, is hereby created.

"(b) The 232nd District Court shall give preference to family law matters.

"(c) All cases and proceedings pending on the effective date of this Act in the Court of Domestic Relations in Midland County shall be transferred to the 232nd District Court. All process and writs issued from the Court of Domestic Relations in Midland County are returnable to the 232nd District Court. The obligees in all bonds and recognizances taken in and for the Court of Domestic Relations in Midland County and all witnesses summoned to appear before the Court of Domestic Relations in Midland County are required to appear before the 232nd District Court but not at a time earlier than originally required.

"(d) The district judge of this district court shall be a member of the Midland County juvenile board. No other provision of this Act shall change the membership of such Juvenile Board.

"(e) The judge of this district court shall be entitled to the same compensation and allowances provided by the state and county for the 142nd district judge of Midland County. The judge to serve on the 232nd District Court shall be eligible for judicial retirement as provided in the Texas Constitution and all prior legislation applicable to other district courts of general jurisdiction. The judge, at his option, may pay into the state treasury five percent (5%) of that salary that would have been paid to him had he been paid by the State of Texas for his full tenure on the court of domestic relations, and upon such payment, the judge will be given full credit for such tenure toward state judicial retirement.

"(f) The Court of Domestic Relations in Midland County is abolished by repeal of Chapter 537, Acts of the 59th Legislature, Regular Session, 1965, as amended (Article 2338-20, Vernon's Texas Civil Statutes)."

The amendment was read and was adopted.

Senator Herring offered the following amendment to the bill:

Amend the caption of S. B. 992 by adding the words "The 232nd Judicial District to be composed of Midland County" after the words "County of Harris."

The amendment was read and was adopted.

On motion of Senator Herring, and by unanimous consent, the caption was amended to conform to the body of the bill as amended.

The bill as amended was passed to engrossment.

Committee Substitute Senate Bill 992 on Third Reading

Senator Herring moved that the Constitutional Rule and Senate Rule 30 requiring bills to be read on three several days be suspended and that C. S. S. B. No. 992 be placed on its third reading and final passage.

The motion prevailed by the following vote:

Yeas—28

Aikin	Kennard
Beckworth	Kothmann
Bernal	Mauzy
Blanchard	McKool
Bridges	Moore
Brooks	Patman
Connally	Ratliff
Creighton	Schwartz
Grover	Sherman
Hall	Snelson
Harrington	Wallace
Herring	Watson
Hightower	Wilson
Jordan	Word

Absent—Excused

Bates	Harris
Christie	

The President then laid the bill before the Senate on its third reading and final passage.

The bill was read third time.

Senator Hall offered the following amendment to the bill:

Amend S. B. No. 992, Section 1, by deleting the language, "Section 3.030. The 201st Judicial District composed of the County of Collin is hereby created." and renumbering the sections accordingly.

The amendment was read and was adopted by the following vote:

Yeas—28

Aikin	Kennard
Beckworth	Kothmann
Bernal	Mauzy
Blanchard	McKool
Bridges	Moore
Brooks	Patman
Connally	Ratliff
Creighton	Schwartz
Grover	Sherman
Hall	Snelson
Harrington	Wallace
Herring	Watson
Hightower	Wilson
Jordan	Word

Absent—Excused

Bates	Harris
Christie	

The bill as amended was finally passed.

Senate Bill 379 With House Amendments

Senator Jordan called S. B. No. 379 from the President's table for consideration of the House amendments to the bill.

The President laid the bill and the following House amendments before the Senate:

Committee Amendment No. 1

Amend S. B. No. 379, First House Printing, in line 35, by striking the word "less" and substituting in lieu thereof the word "more" and in line 41 by striking the word "less" and substituting in lieu thereof the word "more".

Amendment No. 1

Amend S. B. 379 by striking "one thousand dollars (\$1,000)" on line 35 of the Second Printing and adding in lieu the following "three thousand dollars (\$3,000)"

Amendment No. 2

Amend S. B. 379 by striking "Three Thousand Dollars (\$3,000)" on lines 41 and 42 of the Second Printing and adding the following: "Five Hundred Dollars (\$500.00)"

The House amendments were read.

Senator Jordan moved that the Senate do not concur in the House amendments, but that a Conference Committee be appointed to adjust the differences between the two Houses on the bill.

The motion prevailed.

The President asked if there were any motions to instruct the Conference Committee on S. B. No. 379 before appointment.

There were no motions offered.

Accordingly, the President announced the appointment of the following conferees on the part of the Senate on the bill: Senators Jordan, Wallace, Brooks, Schwartz and Kennard.

Senate Bill 859 With House Amendment

Senator Bridges called S. B. No. 859 from the President's table for consideration of the House amendment to the bill.

The President laid the bill and the following House amendment before the Senate:

Amendment No. 1

Amend S. B. 859 by deleting the word "property" from line 47, page 1, line 6, page 2, line 30, page 2, and line 45, page 2.

The House amendment was read.

Senator Bridges moved that the Senate concur in the House amendment.

The motion prevailed by the following vote:

Yeas—28

Aikin	Kennard
Beckworth	Kothmann
Bernal	Mauzy
Blanchard	McKool
Bridges	Moore
Brooks	Patman
Connally	Ratliff
Creighton	Schwartz
Grover	Sherman
Hall	Snelson
Harrington	Wallace
Herring	Watson
Hightower	Wilson
Jordan	Word

Absent—Excused

Bates	Harris
Christie	

Senate Bill 819 With House Amendment

Senator Schwartz called S. B. No. 819 from the President's table for consideration of the House amendment to the bill.

The President laid the bill and the following House amendment before the Senate:

Committee Amendment No. 1

Amend Senate Bill 819 by striking Paragraph (b) thereof beginning on Line 32 and substituting the following:

"(b) In each county of the State of Texas having a population of at least one hundred forty thousand inhabitants but less than one hundred ninety-five thousand inhabitants according to the last preceding Federal

Census and having an assessed valuation of more than Two Hundred Fifty Million Dollars according to the last preceding approved tax roll where the county judge is compensated on a salary basis, the Commissioners Court may fix the salary of the county judge at a sum of not more than the amount paid district judges from the General Revenue Fund of the State of Texas."

The House amendment was read.

Senator Schwartz moved that the Senate concur in the House amendment.

The motion prevailed.

Senate Bill 817 With House Amendments

Senator Schwartz called S. B. No. 817 from the President's table for consideration of the House amendments to the bill.

The President laid the bill and the following House amendments before the Senate:

Committee Amendment No. 1

Amend S. B. No. 817, First Printing, as follows:

In line 39 delete the word "less" and insert in lieu thereof the word "more."

In line 40 after the word "Texas" replace the comma with a period and delete the balance of the sentence.

Committee Amendment No. 2

Amend S. B. 817 in line 24, First House Printing, in the caption, by changing the word "minimum" to the word "maximum."

The House amendments were read.

Senator Schwartz moved that the Senate do not concur in the House amendments, but that a Conference Committee be appointed to adjust the differences between the two Houses on the bill.

The motion prevailed.

The President asked if there were any motions to instruct the Conference Committee on S. B. No. 817 before appointment.

There were no motions offered.

Accordingly, the President announced the appointment of the following conferees on the part of the Senate on the bill: Senators Schwartz, Blanchard, Aikin, Patman and Ratliff.

**Conference Committee Report
on Senate Bill 213**

Senator Kennard submitted the following Conference Committee Report:

The Hon. Ben Barnes, President of the Senate.

The Hon. Gus F. Mutscher, Speaker of the House of Representatives.

Sirs: We, your Conference Committee appointed to adjust the differences between the House and Senate on S. B. No. 213, have met and adjusted our differences and beg leave to recommend that S. B. Bill No. 213 be passed in the form attached hereto.

Respectfully submitted,

KENNARD
BERNAL
MAUZY
BROOKS
McKOOL

On the part of the Senate.

FLOYD
SIMMONS
KASTER
SANTIESTEBAN
SHANNON

On the part of the House.

S. B. No. 213,

**A BILL
TO BE ENTITLED**

An Act relating to the creation, establishment, operation, and dissolution of a county civil service system in certain counties; providing for severability; and declaring an emergency."

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

Section 1. DEFINITIONS. In this Act, unless the context requires a different definition:

(1) "Commission" means the county civil service commission.

(2) "Chairman" means the chairman of the county civil service commission.

(3) "Employee" means any person who obtains his position by appointment and who is not authorized by statute to perform governmental functions in his own right involving some exercise of discretion, but does not include a holder of an office the term of which is limited by the Constitution of the State of Texas.

(4) "Department" means any county, district, or precinct office or other agency of the county which has jurisdiction and control of the activities of the employees' official duties.

Sec. 2. ESTABLISHMENT OF CIVIL SERVICE. Any county having a population of 300,000 or more inhabitants according to the last preceding federal census may establish a county civil service system under the provisions of this Act to cover all employees of the county.

Sec. 3. METHODS FOR CREATION OF A COUNTY CIVIL SERVICE SYSTEM. Before a county civil service system may be created under the provisions of this Act, the system must be approved either by an order adopted by a majority of the members of the commissioners court or by a majority vote of the qualified electors of the county voting at an election called for that purpose.

Sec. 4. CREATION BY ORDER. If the civil service system is created by order of the county commissioners, a copy of the order shall be placed in the minutes of the commissioners court and shall be available for public inspection.

Sec. 5. CREATION BY ELECTION.

(a) On its own motion, the commissioners court may order an election to be held to approve the creation of a county civil service system. The election must be held within the 60-day period immediately following the date of the order of election.

(b) The order calling the election shall specify the time and place, or places, of holding the election, the form of the ballots, and the presiding judge for each voting place.

(c) The commissioners court shall publish a substantial copy of the election order in a newspaper of general circulation in the county once a week for two consecutive weeks before the election. The first notice must be published before the 14-day period immediately preceding the day of the election.

(d) The presiding judge of each voting place shall supervise the counting of all votes cast and shall certify the results to the commissioners court within 24 hours after the election. A copy of the results is to be filed with the county clerk and become of public record.

(e) At the election, the qualified electors shall vote on the proposition of whether or not a county civil service system is to be created. To create the system, a majority of the qualified electors voting in the election must approve the proposition.

(f) The ballots shall be printed to allow for voting for or against the proposition: "Creation of a county civil service system."

(g) If the proposition is approved, the commissioners court shall declare the results and order the civil service system created. A copy of this order shall be placed in the minutes of the commissioners court.

Sec. 6. CREATION OF THE CIVIL SERVICE COMMISSION. (a) After a civil service system is approved under the provisions of this Act, the commissioners court shall appoint a civil service commission consisting of three members to administer the system. The commissioners court shall designate one of the members as chairman of the commission.

(b) Each member of the commission holds office for a term of two years and until his successor is appointed and has qualified. Any vacancy on the commission shall be filled by appointment of the commissioners court for the unexpired term of the member whose position has been vacated.

(c) To qualify for appointment to the commission, a person must:

- (1) be at least 25 years of age; and
- (2) have been a resident of the county for the three-year period immediately preceding the beginning of his term of office.

Sec. 7. COMPENSATION; EXPENSES; STAFF; ETC. The members of the commission serve without compensation, but the commissioners court shall reimburse them for expenses necessarily incurred in performing their duties. The commissioners court shall provide the commission with adequate office space and with enough money to employ an

adequate staff and to purchase necessary supplies and equipment.

Sec. 8. POWERS OF COMMISSION. (a) The commission shall make, publish and enforce rules, consistent with the purposes of this Act, relating to:

(1) selection and classification of county employees;

(2) competitive examinations;

(3) promotions, seniority, and tenure;

(4) layoffs and dismissals;

(5) disciplinary actions;

(6) grievance procedures and other procedural and substantive rights of employees; and

(7) other matters having to do with selection of employees and their advancement, rights, benefits, and working conditions.

(b) The commission may adopt or use as a guide any civil service laws, rules, or regulations of the United States or of this state or any political subdivision or municipal corporation in this state to the extent that they promote the purposes of this Act and are consistent with the necessities and circumstances of the county.

Sec. 9. APPEALS. (a) Any employee who, under a final decision of the commission, is demoted, suspended, or removed from his position, may appeal the decision by filing a petition in a district court of the county within 30 days after the date of the decision.

(b) Appeals under this section shall be tried de novo.

(c) If the district court renders judgment for the petitioner, it may order reinstatement, back pay, and any other appropriate relief.

(d) Suits instituted under this section have precedence over other civil cases, and the judgment of the district court is appealable as in other civil cases.

Sec. 10. EXEMPTIONS. (a) Any person who is an employee of a county covered by this Act on the effective date of this Act shall not be required to take any competitive examination or perform any other act to maintain his present employment.

(b) Nothing in this Act applies to:

(1) assistant district attorneys, investigators, or other employees of the district attorney, except all investigators and employees of the Criminal

District Attorney of Tarrant County who are not licensed to practice law in this state;

(2) the official shorthand reporter of any district or criminal district court.

Sec. 11. DISSOLUTION OF SYSTEM. (a) In any county in which the provisions of this Act have been in effect for one year, on being petitioned by at least 10 percent of the qualified electors of the county, the commissioners court shall call an election to determine whether or not the county civil service should be dissolved.

(b) The provisions of Section 5 of this Act shall apply to holding an election under the provisions of this section.

(c) The ballots shall be printed to allow for voting for or against the proposition: "Dissolution of the civil service system."

(d) If the proposition is approved, the commissioners court shall declare the results and order the civil service system dissolved. A copy of this order shall be placed in the minutes of the commissioners court.

Sec. 12. LIMITATION ON ELECTIONS. After an election is held in accordance with Section 5 or Section 11 of this Act, a two-year period of time must elapse prior to the calling of another election under either Section 5 or Section 11.

Sec. 13. SEVERABILITY. If any provision of this Act or the application thereof to any person or circumstances is held invalid, such invalidity shall not affect other provisions or applications of the Act which can be given effect without the invalid provision or application, and to this end the provisions of this Act are declared to be severable.

Sec. 14. EMERGENCY. The importance of this legislation and the crowded condition of the calendars in both houses create an emergency and an imperative public necessity that the Constitutional Rule requiring bills to be read on three several days in each house be suspended, and this Rule is hereby suspended, and that this Act take effect and be in force from and after its passage, and it is so enacted.

The Conference Committee Report was read and was adopted.

Senate Bill 541 with House Amendments

Senator Schwartz called S. B. No. 541 from the President's table for consideration of the House amendments to the bill.

The President laid the bill and the following House amendments before the Senate:

Committee Amendment No. 1

Amend Senate Bill No. 541 by striking all below the enacting clause and substituting the following:

Section 1. Subsection 1 of Section VI of Chapter 75, Acts of the Regular Session of the 50th Legislature, as amended by Chapter 24, Acts of the Regular Session, 51st Legislature, is hereby amended to read hereafter as follows:

"1. (a) Under such rules and regulations as the Board shall adopt, each person who is an employee of a participating department of a participating municipality on the effective date of participation of such department and who becomes a member on such effective date shall be entitled to receive credit for 'prior service' as defined in this Act. Any person who has been an employee of such a participating municipality prior to the effective date of participation of such municipality, but who is not in the service of such municipality on the effective date of such municipality's participation, shall be entitled to receive credit for 'prior service' as defined in this Act, if he again becomes an employee of such participating municipality within five (5) years after the effective date of such municipality's participation and becomes a member as of the date of such re-employment and continues as an employee of a participating department of such municipality for a period of five (5) consecutive years.

"(b) The governing body of a municipality may by ordinance direct that each of its employees who is serving in a public hospital, utility or other public facility which the municipality is operating as successor to, or which the municipality has otherwise acquired from a county, special district, or other public corporation or agency of government, shall be awarded and allowed prior service credit for the total number of months

prior to date of participation during which such employee was employed in such hospital, utility or other facility during the period of its operation by the said predecessor governmental units or agencies as well as during the period of its operation by the participating municipality; and in such event, the total period of such employment for which such employee is allowed prior service credit hereunder shall be considered service rendered to the participating municipality for purposes of this Act.

"In event any participating municipality subsequent to date of participation, by contract, purchase or by legal succession shall acquire and become the operator of a public hospital, utility or other public facility theretofore operated by a county, special district, or other public corporation, the governing body of the participating municipality may by order direct that persons who were employed in such hospital, utility or other facility at the time acquisition of or succession to the same by the participating municipality, and who enter or did enter employment of the participating municipality at that time, shall be allowed prior service credit for the total number of months during which such employee was employed in such hospital, utility or other public facility during the period of its operation by the predecessor counties, districts, and/or other public corporations."

Sec. 2. Paragraph (i), Subsection 2 of Section VIII of Chapter 75, Acts of the Regular Session of the 50th Legislature, as amended by Chapter 24, Acts of the Regular Session, 51st Legislature, is hereby amended to read hereafter as follows:

"(i) The Board annually on December 31 shall allow regular interest on the mean amount in the Current Service Annuity Reserve Fund for the year then ending and shall allow regular interest on the mean amount in the Municipality Prior Service Accumulation Fund for the year then ending and shall allow regular interest on the mean amount in the Prior Service Annuity Reserve Fund during such year and shall allow current interest as defined in Section II of this Act on the amount in the Municipality Current Service Accumulation Fund at the beginning of such year and on the amount in the En-

dowment Fund at the beginning of such year and on an amount in the Employees Saving Fund equal to the sum of the accumulated deposits standing to the credit at the beginning of such year of all members included in the membership of the System on December 31 of each such year, before any transfers for retirement effective December 31 of such year are made. The amounts so allowed shall be due and payable to said funds and shall be credited thereto by the Board on December 31 of each year from moneys of the System held in the Interest Fund."

Sec. 3. Subsection 6 of Section XIV of Chapter 75, Acts of the Regular Session, 50th Legislature, as amended by Chapter 24, Acts of the Regular Session, 51st Legislature, as further amended by Chapter 682, Acts of the Regular Session, 59th Legislature, is hereby amended to read hereafter as follows:

"6. No municipality shall undertake to make the increased contributions allowed under this Section until it shall have been a participating municipality of the System for at least three calendar years. The increased rate of contributions authorized hereunder shall only be made effective at the beginning of a calendar year."

Sec. 4. Subsections (1), (3), (4), (5), and (6) of Section XVI of Chapter 75, Acts of the Regular Session, 50th Legislature, as amended by Chapter 24, Acts of the Regular Session, 51st Legislature, and as further amended by Chapter 371, Acts of the Regular Session, 61st Legislature, are hereby amended to read respectively as follows:

"(1) Antecedent service credit may be granted for the period beginning at the municipality's date of participation and ending on the earliest date subsequent thereto as of which the municipality has increased its matching ratio for current service in accordance with Section XIV hereof, without having then or thereafter granted corresponding antecedent service credits equal to the increase in the rate of matching made effective on said date. The period of time described above is referred to hereafter as an 'antecedent service period.'"

"(3) 'Antecedent Service Credit' shall mean an amount equal to fifty

per cent (50%), or at the election of the participating municipality (made in such ordinance or subsequent amendment thereto), one hundred per cent (100%) of the accumulated deposits of the member at the end of the antecedent service period for which said 'Antecedent Service Credit' is allowed.

"(4) 'Accumulated Antecedent Service Credit' shall mean the 'Antecedent Service Credit,' determined as of the end of antecedent service period in accordance with this Section, and accumulated at regular interest from such date until the effective date of such member's retirement.

"(5) The Council by Ordinance shall determine whether antecedent service credit shall be allowed, and shall designate the date such undertaking is to become effective provided that the date selected shall be the end of any calendar year after three (3) full years of participation by the municipality.

"(6) Each employee member entitled to antecedent service credit shall be given an 'Antecedent Service Certificate' stating the amount of his antecedent service credit allowed pursuant to the ordinance adopted by the municipality, and such certificate shall state that in the event membership in the System ceases, such certificate shall become void, and that if the member thereafter returns to employment of any participating municipality, he shall not be entitled to such antecedent service credit."

Section 5. The crowded condition of the calendar, coupled with the need for enactment of this legislation at the current session, creates an emergency and an imperative public necessity that the Constitutional Rule requiring bills to be read on three several days in each house be suspended, and the same is hereby suspended, and that this Act shall take effect and be in force from and after its passage, and it is so enacted.

Committee Amendment No. 2

Amend Senate Bill No. 541 by striking all above the enacting clause and substituting the following:

"A BILL TO BE ENTITLED

An Act amending Chapter 75, Acts of the Regular Session, 50th Legisla-

ture (establishing and regulating the Texas Municipal Retirement System), as amended by Chapter 24, Acts of the Regular Session, 51st Legislature, as amended by Chapter 682, Acts of the Regular Session, 59th Legislature, and as amended by Chapter 371, Acts of the Regular Session, 61st Legislature, as follows: amending Subsection 1 of Section VI of said Act; amending Paragraph (i), Subsection 2 of Section VIII of said Act; amending Subsection 6 of Section XIV of said Act; and amending Subsections (1), (3), (4), (5) and (6) of Section XVI of said Act; and declaring an emergency."

The House amendments were read.

Senator Schwartz moved that the Senate concur in the House amendments.

The motion prevailed.

Committee Substitute Senate Bill 913 on Second Reading

On motion of Senator Brooks and by unanimous consent, the regular order of business was suspended to take up for consideration at this time on its second reading and passage to engrossment:

C. S. S. B. No. 913, A bill to be entitled "An Act defining the word 'premise' in connection with the sale of alcoholic beverages; amending Subsection 7, Section 3a, Article I, Texas Liquor Control Act, as amended (Article 666-3a(7), Vernon's Texas Penal Code); providing for certain exceptions to Section 18 of Article I, Texas Liquor Control Act, as amended (Article 666-18, Vernon's Texas Penal Code); modifying existing law in conflict herewith and declaring an emergency."

The bill was read second time and passed to engrossment.

Record of Votes

Senators Wallace, Sherman and Aikin asked to be recorded as voting "Nay" on the passage of the bill to engrossment.

Committee Substitute Senate Bill 913 on Third Reading

Senator Brooks moved that the Constitutional Rule and Senate Rule

30 requiring bills to be read on three several days be suspended and that S. B. No. 913 be placed on its third reading and final passage.

The motion prevailed by the following vote:

Yeas—22

Aikin	Jordan
Beckworth	Kennard
Bernal	Kothmann
Blanchard	Mauzy
Bridges	McKool
Brooks	Patman
Connally	Schwartz
Grover	Sherman
Harrington	Snelson
Herring	Watson
Hightower	Wilson

Nays—5

Creighton	Wallace
Hall	Word
Moore	

Absent

Ratliff

Absent—Excused

Bates	Harris
Christie	

The President then laid the bill before the Senate on its third reading and final passage.

The bill was read third time and was passed.

Record of Votes

Senators Wallace, Sherman and Aikin asked to be recorded as voting "Nay" on the final passage of the bill.

Vote on Final Passage of
Senate Bill 913 Reconsidered

On motion of Senator Brooks and by unanimous consent, the vote by which S. B. No. 913 was finally passed was reconsidered.

Question—Shall S. B. No. 913 be finally passed?

The bill was again finally passed by the following vote:

Yeas—17

Beckworth	Bridges
Bernal	Brooks

Connally	Mauzy
Grover	McKool
Harrington	Patman
Herring	Schwartz
Jordan	Snelson
Kennard	Watson
Kothmann	

Nays—11

Aikin	Ratliff
Blanchard	Sherman
Creighton	Wallace
Hall	Wilson
Hightower	Word
Moore	

Absent—Excused

Bates	Harris
Christie	

Committee Substitute
Senate Bill 768 on Second Reading

On motion of Senator Hall and by unanimous consent, the regular order of business was suspended to take up for consideration at this time on its second reading and passage to engrossment:

C. S. S. B. No. 768, A bill to be entitled "An Act amending the Private Detectives, Private Investigators, Private Patrolmen, Private Guards and Managers Act, Chapter 610, Acts of the 61st Legislature, Regular Session, 1969. (Article 4413 (29bb) V.A. C.S.); and declaring an emergency."

The bill was read second time and passed to engrossment.

Committee Substitute
Senate Bill 768 on Third Reading

Senator Hall moved that the Constitutional Rule and Senate Rule 30 requiring bills to be read on three several days be suspended and that C. S. S. B. No. 768 be placed on its third reading and final passage.

The motion prevailed by the following vote:

Yeas—26

Aikin	Hall
Beckworth	Harrington
Bernal	Herring
Blanchard	Hightower
Bridges	Jordan
Connally	Kennard
Creighton	Kothmann
Grover	Mauzy

McKool	Sherman
Moore	Snelson
Patman	Watson
Ratliff	Wilson
Schwartz	Word

Nays—1

Wallace

Present—Not Voting

Brooks

Absent—Excused

Bates	Harris
Christie	

The President then laid the bill before the Senate on its third reading and final passage.

The bill was read third time and was passed.

Record of Votes

Senator Wallace asked to be recorded as voting "Nay" on the final passage of the bill.

Senator Brooks asked to be recorded as "Present and Not Voting" on the final passage of the bill.

Message From the House

Hall of the House of Representatives

Austin, Texas,
May 14, 1971.

Hon. Ben Barnes, President of the Senate.

Sir: I am directed by the House to inform the Senate that the House has passed the following:

H. B. No. 212, A bill to be entitled "An Act requiring a license for taking oysters with oyster dredge; establishing Commercial and Sports Oyster Dredge Licenses; providing dredge size and number limits; providing a state-wide oyster season; establishing hours for harvest; authorizing the Parks and Wildlife Commission to close and open areas to oystering; providing possession limits; establishing oyster size limits and providing for the culling of undersized oysters; repealing existing and conflicting laws; providing severability; providing a penalty for violation or failure to comply; and declaring an emergency."

H. B. No. 390, A bill to be entitled "An Act relating to the making of guaranties by corporations; amending Section B, Article 2.06, Texas Miscellaneous Corporation Laws Act, as amended (Article 1302-2.06, Vernon's Texas Civil Statutes); and declaring an emergency."

H. B. No. 459, A bill to be entitled "An Act creating and establishing a conservation and reclamation district under Article 16, Section 59, Constitution of Texas, known as 'Spanish Cove Public Utility District'; etc.; and declaring an emergency."

H. B. No. 463, A bill to be entitled "An Act relating to the maximum salaries of elected officials and county employees in certain counties; and declaring an emergency."

H. B. No. 606, A bill to be entitled "An Act creating and establishing a conservation and reclamation district under Article 16, Section 59, Constitution of Texas, known as 'Klein Public Utility District'; etc.; and declaring an emergency."

H. B. No. 578, A bill to be entitled "An Act making appropriations for and directing payment of certain miscellaneous claims and judgments out of the General Revenue Fund and other funds designated herein; requiring approval of the claims in the manner specified in the Act before payment is made; and declaring an emergency."

H. B. No. 607, A bill to be entitled "An Act creating and establishing a conservation and reclamation district under Article 16, Section 59, Constitution of Texas, known as 'Shasla Public Utility District' etc.; and declaring an emergency."

H. B. No. 609, A bill to be entitled "An Act creating and establishing a conservation and reclamation district under Article 16, Section 59, Constitution of Texas, known as 'Bilma Public Utility District'; etc.; and declaring an emergency."

H. B. No. 622, A bill to be entitled "An Act requiring certain citations to be returned unserved if service is not executed within 30 days after the date of its issuance; and declaring an emergency."

H. B. No. 661, A bill to be entitled "An Act relating to the bond interest rate on housing authority bonds; amending Section 15, Chapter 462, Acts of the 45th Legislature, Regular Session, as amended (Article 1269k, Vernon's Texas Civil Statutes); and declaring an emergency."

H. B. No. 849, A bill to be entitled "An Act relating to the salary of the official shorthand reporter for the 196th Judicial District; providing for severability; and declaring an emergency."

H. B. No. 858, A bill to be entitled "An Act amending Sections 3 and 26 of the Texas Uniform Limited Partnership Act (Article 6132a, Vernon's Texas Civil Statutes); and declaring an emergency."

H. B. No. 860, A bill to be entitled "An Act prohibiting the use of funds distributed as aid to families with dependent children by persons who are not the parents or legal guardians of the children and who contribute nothing to the support of the family; providing penalties for violations; and declaring an emergency."

H. B. No. 992, A bill to be entitled "An Act relating to the employer's liability and workmen's compensation laws of this state; amending Article 8307, Revised Civil Statutes of Texas, 1925, as amended, by adding Sections 7a and 7b; and declaring an emergency."

H. B. No. 870, A bill to be entitled "An Act relating to creation of the Juvenile Board of Eastland County; and declaring an emergency."

H. B. No. 1002, A bill to be entitled "An Act relating to the fees and licenses for nursing home administrators; amending Subsection (3), Section 10, Chapter 411, Acts of the 61st Legislature, Regular Session, 1969 (Article 442d, Vernon's Texas Civil Statutes); and declaring an emergency."

H. B. No. 952, A bill to be entitled "An Act making appropriations for and directing payment of certain miscellaneous claims and judgments out of the General Revenue Fund; requiring approval of the claims in the manner specified in the act before payment is made; and declaring an emergency."

H. B. No. 1021, A bill to be entitled "An Act relating to the compensation and hiring of certain official shorthand reporters; amending Section 1, Chapter 335, Acts of the 60th Legislature, Regular Session, 1967 (Article 2326j-57, Vernon's Texas Civil Statutes); and declaring an emergency."

H. B. No. 1134, A bill to be entitled "An Act relating to the salary of the county clerk in certain counties; and declaring an emergency."

H. B. No. 1147, A bill to be entitled "An Act creating and establishing a conservation and reclamation district under and essential to the purposes of Article 16, Section 59 of the Constitution of Texas to be known as 'Harris County Utility District No. 9'; etc.; and declaring an emergency."

H. B. No. 1148, A bill to be entitled "An Act creating and establishing a conservation and reclamation district under and essential to the purposes of Article 16, Section 59 of the Constitution of Texas to be known as 'Harris County Utility District No. 10'; etc.; and declaring an emergency."

H. B. No. 1157, A bill to be entitled "An Act relating to providing an open season for deer and no open season for turkey in Leon County; and declaring an emergency."

H. B. No. 1176, A bill to be entitled "An Act declaring certain tuition payments to non-public education institutions to be a charitable contribution to the State of Texas; and declaring an emergency."

H. B. No. 1184, A bill to be entitled "An Act relating to the appointment and compensation of reporters for the 70th and 161st Judicial Districts and for the County Court of Law of Ector County, Texas; amending Section 1, Chapter 319, Acts of the 57th Legislature, Regular Session, 1961, as amended (Article 2326j-10, Vernon's Texas Civil Statutes); and declaring an emergency."

H. B. No. 1196, A bill to be entitled "An Act transferring Jones County from the 104th Judicial District to the 39th Judicial District and fixing terms of court; amending Section 2, Chapter 184, Acts of the 57th Legislature, Regular Session, 1961, as amended, and Section 39, Article 199,

Revised Civil Statutes of Texas, 1925, as amended; and declaring an emergency."

H. B. No. 1321, A bill to be entitled "An Act creating and establishing a conservation and reclamation district under Article 16, Section 59, Constitution of Texas, known as 'Bayfield Public Utility District'; etc.; and declaring an emergency."

H. B. No. 1387, A bill to be entitled "An Act creating and establishing a conservation and reclamation district under and essential to the purposes of Article 16, Section 59 of the Constitution of Texas to be known as 'Westway Utility District'; etc.; and declaring an emergency."

H. B. No. 1393, A bill to be entitled "An Act amending Article 5139 VV of Vernon's Annotated Civil Statutes by repealing Sections 1, 2, 3, and 4 of Subchapter A, repealing all laws, or parts of laws in conflict; and declaring an emergency."

H. B. No. 1541, A bill to be entitled "An Act relating to the audit of accounts, books, and other financial records of river authorities; amending Chapter 293, Acts of the 48th Legislature, 1943, as amended (Article 4413a-1, et seq., Vernon's Texas Civil Statutes), by adding Section 7b; and declaring an emergency."

H. B. No. 1599, A bill to be entitled "An Act relating to the compensation of the district attorney of the 19th, 54th, 74th, and 170th Judicial Districts and his assistants and investigators; amending Section 1, Chapter 716, Acts of the 59th Legislature, Regular Session, 1965, as amended (Article 326k-56, Vernon's Texas Civil Statutes); amending Section 2b, Chapter 206, Acts of the 50th Legislature, 1947, as amended (Article 326k-12, Vernon's Texas Civil Statutes); and declaring an emergency."

H. B. No. 1643, A bill to be entitled "An Act relating to the compensation of the criminal district attorney of Harrison County and his assistants, prohibiting the criminal district attorney and his assistants from the private practice of civil law and the referral of legal business; amending Sections 4 and 5, Chapter 375, Acts of the 54th Legislature, 1955 (Article 326k-33, Vernon's Texas Civil Statutes); and declaring an emergency."

H. B. No. 1682, A bill to be entitled "An Act to be known as the 'Civic Center Authority Act,' providing for the creation of civic center authorities without taxing power; defining terms; making the authority a body politic and corporate and a political subdivision of the state; providing for an authority's powers, authorization, and purposes; providing the areas which may be included within an authority; providing the manner of creation of an authority; providing for its governing body; providing that the authority can enter into contracts and leases; providing for the issuance of bonds and refunding bonds by the authority; making such bonds legal investments; containing other provisions relating to the subject; containing a severability clause; and declaring an emergency."

H. B. No. 1685, A bill to be entitled "An Act creating a conservation and reclamation district under the provisions of Article 16, Section 59, Constitution of Texas, in Harris County, Texas, to be known as Beaumont Place Utility District of Harris County, Texas; etc.; and declaring an emergency."

H. B. No. 1706, A bill to be entitled "An Act relating to the die stamping of permanent vehicle identification numbers on motor vehicles; providing penalties; and declaring an emergency."

H. B. No. 1743, A bill to be entitled "An Act creating the conservation and reclamation district to be known as 'Sagemeadow Utility District of Harris County, Texas'; etc.; and declaring an emergency."

H. B. No. 1754, A bill to be entitled "An Act relating to the allowance for traveling expenses and automobile depreciation for county judges and county commissioners in certain counties; and declaring an emergency."

H. B. No. 1782, A bill to be entitled "An Act authorizing the Board of Regents, State Senior Colleges, to sell certain state-owned land located in Tom Green County, Texas, by sealed bids, and to execute and deliver a proper deed of conveyance for the land so sold; providing for the disposition of the consideration received

from such sale; repealing all laws or parts of laws in conflict herewith; and declaring an emergency."

H. B. No. 1110, A bill to be entitled "An Act creating and establishing a conservation and reclamation district under Article 16, Section 59, Constitution of Texas, known as 'Enchanted Place Public Utility District'; etc.; and declaring an emergency."

The House has concurred in Senate amendments to House Bill No. 1003 by a vote of 128 Ayes, 0 Noes.

The House has concurred in Senate amendments to House Bill No. 927 by a vote of 125 Ayes, 0 Noes.

All necessary rules suspended, and the House concurred in Senate amendments to House Bill No. 1226 by a vote of 127 Ayes, 0 Noes.

All necessary rules suspended, and the House concurred in Senate amendments to House Bill No. 483 by a vote of 128 Ayes, 1 Noes.

The House has granted the request of the Senate for the appointment of a Conference Committee on Senate Bill No. 43. Conferees: Harris, Hawkins, Neugent of Galveston, Jungmichel and Hubenak.

All necessary rules suspended, and the House concurred in Senate amendments to House Bill No. 363 by a non-record vote.

The House refused to concur in Senate amendments to House Bill No. 1424 and has requested the appointment of a Conference Committee to consider the differences between the two Houses. Conferees: Clayton, Parker of Jefferson, Slider, Traeger, Shannon.

S. C. R. No. 97, Authorizing Senate Enrolling Clerk to correct S. B. No. 413.

H. B. No. 651, A bill to be entitled "An Act redefining 'cigarette' to exclude rules for smoking made of tobacco substitutes; amending Subdivision (1), Article 7.01, Title 122A, Taxation-General, Revised Civil Statutes of Texas, 1925, as amended; and declaring an emergency."

H. B. No. 261, A bill to be entitled "An Act reenacting and amending

Sections 1, 2 and 3 of Chapter 434, Acts of the 61st Legislature, Regular Session, 1969 (compiled as Article 802f, Vernon's Annotated Penal Code); authorizing and regulating the use and performance of chemical tests of blood, breath and urine under certain conditions of motor vehicle drivers to determine intoxication; providing for suspension or denial of the driver's license upon refusal of an arrested person to submit to chemical testing of the blood, breath or urine; providing for the testing of the blood of dead or unconscious drivers of motor vehicles; providing for an administrative hearing and judicial review; providing for the establishment of presumptive limits of blood alcohol in a person's blood, urine, breath or other bodily substances; providing for admissibility of test results as evidence; providing for the admission into evidence of a person's refusal to submit to a chemical test; providing a severability clause; and declaring an emergency."

H. B. No. 663, A bill to be entitled "An Act authorizing a person 18 years old or older to donate his blood to the American Red Cross, a blood bank operating under the supervision of a licensed physician, or a hospital licensed under the provisions of the Texas Hospital Licensing Law; and declaring an emergency."

H. B. No. 145, A bill to be entitled "An Act amending Chapter 21, Texas Insurance Code, by adding a new Article 21.49 authorizing and directing the State Board of Insurance to prescribe, adopt, promulgate, and enforce notice requirements for cancellation and nonrenewal of policies for general casualty insurance, fire insurance, and motor vehicle insurance, homeowners policies; providing for severability; and declaring an emergency."

All necessary rules suspended, and the Conference Committee Report on Senate Bill No. 213 adopted by a vote of 129 Ayes, 0 Noes.

Respectfully submitted,

DOROTHY HALLMAN,
Chief Clerk, House of Representatives

(Senator Schwartz in Chair.)

Senate Bill 916 with House Amendment

Senator Bernal called S. B. No. 916 from the President's table for consideration of the House amendment to the bill.

The Presiding Officer laid the bill and the following House amendment before the Senate:

Committee Amendment No. 1

Amend S. B. 916, First House Printing, by striking in line 29, the words "not less than \$3.50 and"

Senator Bernal moved that the Senate concur in the House amendment.

The motion prevailed by the following vote:

Yeas—28

Aikin	Kennard
Beckworth	Kothmann
Bernal	Mauzy
Blanchard	McKool
Bridges	Moore
Brooks	Patman
Connally	Ratliff
Creighton	Schwartz
Grover	Sherman
Hall	Snelson
Harrington	Wallace
Herring	Watson
Hightower	Wilson
Jordan	Word

Absent—Excused

Bates	Harris
Christie	

Conference Committee on House Bill 1424

Senator Word called from the President's table for consideration at this time, the request of the House for a Conference Committee to adjust the differences between the two Houses on H. B. No. 1424 and moved that the request be granted.

The motion prevailed.

The Presiding Officer asked if there were any motions to instruct the Conference Committee on H. B. No. 1424 before appointment.

There were no motions offered.

Accordingly, the Presiding Officer announced the appointment by the

President of the following conferees on the part of the Senate on the bill: Senators Word, Mauzy, Creighton, Harris and Schwartz.

Senate Bill 954 on Second Reading

On motion of Senator Kennard and by unanimous consent, the regular order of business was suspended to take up for consideration at this time on its second reading and passage to engrossment:

S. B. No. 954, A bill to be entitled "An Act relating to leasehold interests in land, buildings or improvements owned in whole or in part by the State, a county, a city or cities, a school district, or any other governmental or public entity or body politic; amending Articles 7173 and 7174, Revised Civil Statutes of Texas, 1925; and declaring an emergency."

The bill was read second time.

Senator Kennard offered the following amendment to the bill:

Amend S. B. 954 by striking all below the enacting clause and substituting in lieu thereof the following:

"Section 1. Articles 7173 and 7174, Revised Civil Statutes of Texas, 1925, are amended to read as follows:

"Article 7173. Leasehold interests in land, buildings, or improvements owned in whole or in part by the State, a county, a city or cities, a school district or any other governmental or public entity or body politic.

Property held under a lease for a term of one year or more, or held under a contract for the purchase thereof, belonging to the State, a county, a city or cities, a school district, or any other governmental or public entity, authority or body politic or that is exempt by law from taxation in the hands of the owner thereof, except for properties held, owned or dedicated, in trust or otherwise, to the support, maintenance or benefit of institutions of higher education, shall be considered for all the purpose of taxation, as the property of the person so holding the same, except as otherwise specially provided by law; however this shall not include:

(a) A lease or use of a public transportation building or facility, or

(b) A use by way of concession in or relative to the use of a public airport terminal, public park, public market, fairground or similar public property, or

(c) A grazing or agricultural lease on property owned by such a governmental or public entity.

Timber held by persons or corporations, heretofore or hereafter purchased from the State under the various laws for that purpose, shall likewise be subject to assessment for taxes, and the value thereof for taxation shall be ascertained as the value of other property is ascertained. And should the owner of such timber fail or refuse to pay the taxes assessed against it, the same shall be sold for the taxes thereon, as provided in this title for the sale of personal property for taxes, provided that the same can be found by the collector; but, if the timber can not be found, then the collector shall collect the taxes due as the taxes on other personal property are collected; provided, further, that the Land Commissioner shall furnish by the first of January each year to the various commissioners courts and the tax assessors of this State a full and complete list of all timber sold by the State belonging to the school funds, giving the number of acres, price and to whom sold, in the respective counties where the timber so sold is situated. In case of the sale of such timber for taxes as herein provided, the purchaser shall take and hold the same under the same terms and conditions as the original purchaser thereof from the State.

"Article 7174. Valuation of property for taxation.

Each separate parcel of real property shall be valued at its true and full value in money, excluding the value of crops growing or ungathered thereon.

In determining the true and full value of real and personal property the assessor shall not adopt a lower or different standard of value because the same is to serve as a basis of taxation, nor shall he adopt as a criterion of value the price for which such property would sell at auction or a forced sale or in the aggregate with all the property in his county; but he shall value each tract or lot by itself, and at such sum and price as he

believes the same to be fairly worth in money at the time such assessment is made.

In valuing any real property on which there is a coal or other mine, or stone or other quarry, or springs possessing medicinal properties, the same shall be valued at such price as such property, including a mine, or quarry or spring, would probably sell at a fair voluntary sale for cash.

Taxable leasehold estates on non-exempt property shall be valued at such price as such leasehold estates would bring at a voluntary sale for cash, and taxable leasehold estates on exempt property shall be valued at such price as such leasehold estates would bring at a voluntary sale thereof for cash, based upon the value of a comparable improvement if located on non-exempt property, with reductions for reversionary interests, restrictions on use, and credit for normal rental.

Personal property of every description shall be valued at its true and full value in money.

Money, whether in possession or on deposit, or in the hands of any member of the family, or any person whatsoever, shall be entered in the statement at the full amount thereof.

Every credit for a sum certain, payable either in money or property of any kind, shall be valued at the full value of the same so payable. If for a specified article or for a specified number or quantity of property of any kind, it shall be valued at the current price of such property at the place where payable. Annuities or moneys payable at stated periods shall be valued at the price that the person listing the same believes them to be worth in money."

Section 2. The importance of this legislation and the crowded condition of the calendars in both houses create an emergency and an imperative public necessity that the Constitutional Rule requiring bills to be read on three several days in each house be suspended, and this Rule is hereby suspended, and that this Act take effect and be in force from and after its passage, and it is so enacted.

The amendment was read and was adopted.

On motion of Senator Kennard and by unanimous consent, the caption was amended to conform to the body of the bill as amended.

The bill as amended passed to engrossment.

Senate Bill 954 on Third Reading

Senator Kennard moved that the Constitutional Rule and Senate Rule 30 requiring bills to be read on three several days be suspended and that S. B. No. 954 be placed on its third reading and final passage.

The motion prevailed by the following vote:

Yeas—28

Aikin	Kennard
Beckworth	Kothmann
Bernal	Mauzy
Blanchard	McKool
Bridges	Moore
Brooks	Patman
Connally	Ratliff
Creighton	Schwartz
Grover	Sherman
Hall	Snelson
Harrington	Wallace
Herring	Watson
Hightower	Wilson
Jordan	Word

Absent—Excused

Bates	Harris
Christie	

The Presiding Officer then laid the bill before the Senate on its third reading and final passage.

The bill was read third time and was passed by the following vote:

Yeas—28

Aikin	Kennard
Beckworth	Kothmann
Bernal	Mauzy
Blanchard	McKool
Bridges	Moore
Brooks	Patman
Connally	Ratliff
Creighton	Schwartz
Grover	Sherman
Hall	Snelson
Harrington	Wallace
Herring	Watson
Hightower	Wilson
Jordan	Word

Absent—Excused

Bates	Harris
Christie	

Senate Bill 550 with House Amendments

Senator Bernal called S. B. No. 550 from the President's table for consideration of the House amendments to the bill.

The Presiding Officer laid the bill and the following House amendments before the Senate:

Committee Amendment No. 1

Amend S. B. 550 by striking on line 41, First House Printing, the words "less than \$10,000 nor," and on line 43 the words "minimum and," and by adding on line 43, between the word "courts" and the word "within," the words, "with the approval of the Commissioners Court."

Committee Amendment No. 2

Amend S. B. 550, First Printing, the caption, line 23, by striking the words "minimum and."

The House amendments were read.

Senator Bernal moved that the Senate concur in the House amendments.

The motion prevailed.

Senate Resolution 1233

Senator Watson offered the following resolution:

S. R. No. 1233, Urging the Advisory Council for Technical Vocational Education to investigate and determine the need for vocational training courses for dairy employees in the public institutions of higher education in Texas.

The resolution was read and was adopted.

Memorial Resolutions

S. R. No. 1229—By Senator Watson: Memorial resolution for Wiley W. Stem, Sr.

S. R. No. 1230—By Senator Watson: Memorial resolution for Frank G. Kucera.

S. R. No. 1231—By Senator Watson: Memorial resolution for Mrs. Annie Koehler Ernst.

S. R. No. 1232—By Senator Watson: Memorial resolution for Herman Becker.

Welcome and Congratulatory Resolutions

S. R. No. 1227—By Senator Herring: Extending welcome to Samiuddin Zhouand of Afghanistan.

S. R. No. 1228—By Senator Kothmann: Extending welcome to Student Council, Connell Junior High School, San Antonio.

S. R. No. 1234—By Senator Watson: Extending welcome to eighth grade class from Crawford, Texas.

S. R. No. 1235—By Senator Watson: Extending welcome to students from Belton Independent School District Special Education Group.

S. R. No. 1236—By Senator Harrington: Extending congratulations to City of Beaumont for its contribution to the field of professional athletics.

S. R. No. 1237—By Senator Herring: Extending welcome to fourth grades from Leander Elementary School.

Adjournment

On motion of Senator Aikin the Senate at 12:17 o'clock p.m. adjourned until 11:00 o'clock a.m. Monday, May 17, 1971.

APPENDIX

Sent to Governor

May 14, 1971

S. B. No. 662

S. B. No. 815

S. B. No. 733

S. B. No. 730

S. B. No. 680

S. B. No. 315

S. B. No. 154

S. B. No. 349

S. B. No. 432

In Memory of

The Honorable Frank M. Wilson

Senator Watson offered the following resolution:

(Senate Concurrent Resolution 98)

Whereas, The Honorable Frank M. Wilson of Waco, who was a well-known judge and instructor of law, the chairman of the board of Baylor University, and an active leader in the Baptist Church, died at the age of 62 on April 30, 1971; and

Whereas, Judge Wilson, son of the late Frank M. Wilson, was born in Waco; he was graduated from Baylor University with a degree in business administration and in 1931 was awarded a law degree there; and

Whereas, He immediately went to work as an assistant district attorney, a position he held for over two years before forming a law firm with Sam Darden and Ed Burleson; and

Whereas, In 1938, he joined Tom Scott and Bill Cureton to form the law firm of Scott, Wilson and Cureton; soon he left to serve in the United States Navy during World War II; and

Whereas, After the war he returned to the firm and remained there until 1959, when the Honorable Price Daniel, then Governor of the State of Texas, appointed him an associate justice of the 10th Court of Civil Appeals; and

Whereas, He joined the staff of the Baylor School of Law in 1947 and taught practice law for 96 consecutive quarters—23 years—with time out for only one vacation. In 1966 he gave his outstanding collection of rare law books and documents to the school; and

Whereas, Baylor University showed its appreciation two years ago when it named Judge Wilson "Lawyer of the Year"—an annual award presented to a Baylor graduate who, through dedicated service, has rendered outstanding contributions to the Baylor School of Law and the legal profession; and

Whereas, He was a remarkable teacher and student of the Bible and had taught the Young Businessmen's Sunday School Class at the Columbus Avenue Baptist Church in Waco since the class was founded in 1936; the class, which grew from a membership of 12 to approximately 250, voted unanimously to change the name of the class to the Frank M. Wilson Sunday School Class in honor of its teacher for 35 years; and

Whereas, Judge Wilson, was also a trustee and former chairman of the board of deacons of the Columbus Avenue Baptist Church; and

Whereas, As a lawyer he was a regular attendant at the monthly meetings of the Waco-McLennan County Bar Association, of which he was a past president; he was also a member of the State Bar of Texas, the American Bar Association, and the American Judicature Society; and

Whereas, He held several important offices in the State Bar and had served as chairman of the Tort and Insurance Law Section, chairman of the Rules Committee, director of the Judicial Section, and a member of the Administration of Justice Committee, an advisory unit of the Texas Supreme Court; and

Whereas, In recognition of the immense accomplishments and contributions in the field of law, he was named a fellow in the American College of Trial Lawyers in 1956; and

Whereas, Judge Wilson's interests extended beyond his church activities and the law: he served as worshipful master of the Baylor Masonic Lodge No. 1235 in 1940; He was initiated into the Scottish Rite in Waco in 1969; he was chairman of the Purposes and Policies Committee of the Grand Lodge of Texas; and

Whereas, He was appointed the first chairman of the Texas Youth Council when it was created by the Legislature in 1957; in this capacity he participated in the administration of the State School for Boys at Gatesville, the State Schools for Girls at Gainesville and Crockett, the Waco State Home, and the Corsicana State Home; and

Whereas Judge Wilson was a former trustee of the Waco Public Library and of the Waco Public School System; in addition, he had been a director of the Waco Chamber of Commerce and an officer of a number of other organizations, including the Philosophers Club of Waco; and

Whereas, This accomplished and honorable gentleman will be deeply missed by his family, by his many friends and associates throughout the State of Texas, and by all those who were inspired by his example of dignity and dedication; now, therefore, be it

Resolved, That the Senate of the 62nd Legislature of the State of Texas honor the life and work of The Honorable Frank M. Wilson and extend sympathy to the members of his family: his wife, Dorothy Tucker Wilson, his daughter, Mrs. George Cleveland Witt of San Antonio; his son, Frank M. Wilson, Jr., of Irving; his brothers, Paul and Woodrow, both of El Paso; his grandchildren, Scott Wilson, Susan Wilson, and Bart Wilson, all of Irving, and Cam Witt, Larry Witt, and Caralee Witt, all of San Antonio; and his two nephews and one niece; and, be it further

Resolved, That official copies of this Resolution be prepared for the members of his immediate family as an expression of sympathy from the Texas Legislature, and that when the two Houses of the Legislature adjourn this day, they do so in memory of The Honorable Frank M. Wilson.

WATSON

Signed—Lieutenant Governor Ben Barnes; Aikin, Bates, Beckworth, Bernal, Blanchard, Bridges, Brooks, Christie, Connally, Creighton, Grover, Hall, Harrington, Harris, Herring, Hightower, Jordan, Kennard, Kothmann, Mauzy, McKool, Moore, Patman, Ratliff, Schwartz, Sherman, Snelson, Wallace, Wilson, Word.

The resolution was read.

On motion of Senator Aikin and by unanimous consent, the names of the Lieutenant Governor and Senators were added to the resolution as signers thereof.

On motion of Senator Watson, the resolution was adopted by a rising vote of the Senate.